

25587. Adulteration and misbranding of Ownen's Viti-Veg. U. S. v. Edward Ownen, Frank Dawdy, and Glen Allmon, copartners, trading as Bakers Research Co. Pleas of nolo contendere. Fines aggregating \$600 imposed, and costs awarded against defendants. (F. & D. no. 35915. Sample nos. 27431-B, 27432-B, 28259-B, 33930-B, 35547-B, 37139-B.)

This article was adulterated in that it contained an added deleterious ingredient, to wit, phenolphthalein, and its labels bore erroneous statements as to its uses.

On September 27, 1935, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Edward Ownen, Frank Dawdy, and Glen Allmon, copartners, trading under the name of Bakers Research Co., St. Louis, Mo., alleging shipments by them in violation of the Food and Drugs Act as amended, in the period from April 20 to May 20, 1935, from St. Louis, Mo., to several places in other States, of quantities of Ownen's Viti-Veg which was both adulterated and misbranded. The article was labeled in part: (Carton) "Ownen's Viti-Veg Original Laxative Health Bread * * * Packed By Bakers Research Company Mid-City Bldg. St. Louis, Mo."

Analysis showed that the article contained not less than 10.34 percent of phenolphthalein.

The article was alleged to be adulterated in that it contained an added deleterious ingredient, to wit, phenolphthalein, which might have rendered the article injurious to health.

The article was alleged to be misbranded in that the statement borne on the carton, to wit, "Viti-Veg Original Laxative Health Bread * * * One Pound Bakes 200 Loaves", was false and misleading in that said article was not composed wholly of a vegetable product, but was composed in part of phenolphthalein, and could not be used in baking health bread, in that it contained an added deleterious ingredient, to wit, phenolphthalein, in an amount which might have rendered the article injurious to health; (b) in that the article was labeled as aforesaid so as to deceive and mislead the purchaser.

On January 22, 1936, pleas of nolo contendere having been entered, fines aggregating \$600 were imposed and costs were awarded against the defendants.

W. R. GREGG, *Acting Secretary of Agriculture.*

25588. Adulteration of butter. U. S. v. Ben Ablon and Morris Ablon (Ablon Produce Co.). Plea of guilty. Fine, \$200. (F. & D. no. 35917. Sample no. 25595-B.)

This case was based on an interstate shipment of butter that was found to contain paper, human and animal hairs, feathers, and miscellaneous dirt.

On August 22, 1935, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ben Ablon and Morris Ablon, trading as the Ablon Produce Co., Dallas, Tex., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about February 11, 1935, from the State of Texas into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy animal substances.

On January 17, 1936, the defendant, Morris Ablon, was dismissed, and a plea of guilty was entered by the defendant, Ben Ablon, and the court imposed a fine of \$200.

W. R. GREGG, *Acting Secretary of Agriculture.*

25589. Adulteration of apples. U. S. v. K. Lane Johnson Co., Inc. Plea of guilty. Fine, \$10. (F. & D. no. 35933. Sample nos. 360-B, 363-B.)

This case was based on an interstate shipment of apples, examination of which showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 13, 1935, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the K. Lane Johnson Co., a corporation, Yakima, Wash., charging shipment by said corporation in violation of the Food and Drugs Act, on or about February 6, 1935, from the State of Washington into the State of California, of a quantity of apples that were adulterated. The article was labeled in part: "Rome Beauty 20B-096 [or "20B-097" or "20B-101"]."